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**NEW JERSEY ADMINISTRATIVE CODE**

**TITLE 2  
AGRICULTURE**

**CHAPTER 24  
DISEASES OF BEES**

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**Authority**  
N.J.S.A. 4:6-1 et seq.

**Source and Effective Date**  
R.2000 d.165, effective April 17, 2000  
See: 32 N.J.R. 343(a), 32 N.J.R. 1417(b).

**Executive Order No. 66 (1978) Expiration Date**  
Chapter 24, Diseases of Bees, expires on April 17, 2005.

**SUBCHAPTER 1. DEFINITIONS**

**2:24-1.1 Definitions**

As used in this chapter, the following words and terms shall have the following meaning:

"Activity log" means the record of VIP inspection activities maintained by each VIP designee on a form provided by the Department.

"Advisory report" means a non-binding written report made by a VIP designee to the beekeeper following the inspection of an apiary on a form provided by the Department.

"Apiary" means one or more colonies of honeybees.

"Apiary Site" means the place where an apiary is located.

"Bee" mean members of the genus *Apis*.

"Beekeeper" means any person who shall have or keep in his possession or in an apiary, a colony of bees.

"Colony" means a hive or swarm of bees.

"Commercial apiary" means a business classified by the United States Standard Industrial Classification (commonly referred to in the SIC Code) as 0279B - Bee Farms.

"Consignee" describes the receiver of any bees or equipment shipped into New Jersey.

"Department" means the New Jersey Department of Agriculture.

"Divide," "split" or "nucleus" means bees and brood on drawn frames, with or without a queen. The number of frames, and the ratio of brood to honey or pollen, may vary but never exceeds 10 frames.

"Equipment" means hive parts, bee-related tools and extracting or wax rendering appliances.

"Hive" means the manmade structure which contains a colony of honey bees.

"Noncommercial Apiary" means any apiary not classified as commercial.

"Nucleus" see "divide."

"Package" means a group of bees, with or without a queen, shipped without comb in a wire cage.

"Queen" means the female reproductive caste of the honeybee. These normally are shipped in small individual cages and are often accompanied by up to a half dozen sterile workers as attendants.

"Scale" means the remains of an immature bee that has died from the American foulbrood disease.

"Secretary" means the Secretary of Agriculture or an authorized designee

"Seller" means any person or business entity, which offers for sale queens, packages or divides into or within New Jersey or to New Jersey residents.

"Shipper" means any person or business entity which ships or dropships, queens, packages or divides into New Jersey or to New Jersey residents.

"VIP" means Voluntary Inspector Program.

"VIP designee" means a person who meets the Department's qualification criteria and has received Department training in the fundamentals of bee and apiary inspection; has been designated by the Department as a volunteer inspector pursuant to this subchapter; and, who does not receive compensation or reimbursement for expenses by the Department.

## **SUBCHAPTER 2. SHIPMENT OF BEES INTO NEW JERSEY**

### **2:24-2.1 Regulated Articles**

Bees of the genus *Apis*, in any life stage, fresh or frozen bee sperm, used apiary equipment, unprocessed comb, and any other product, article or means of conveyance of any character whatsoever, which when determined by the Department of Agriculture presents the risk of the spread of any contagious and infectious disease, arthropod pest or condition as determined by the Department of Agriculture, shall be permitted importation only if in compliance with N.J.A.C. 2:24-2.2 through 2:24-2.5.

### **2:24-2.2 Entities with apiary inspection services**

- (a) No colony, nucleus of bees, used apiary equipment coming from a state or country having an apiary inspection service shall be permitted into New Jersey unless accompanied by a valid certificate of inspection from the exporting state or country stating that the bees or equipment is apparently free from the conditions listed in N.J.A.C. 2:24-2.1 and that the bees are [, in fact, honeybees (*Apis mellifera*) and] not Africanized bees derived from the African subspecies (*Apis mellifera scutellata*) and free from the characteristics identifiable therewith in accordance with N.J.A.C. 2:20-5.1.
- (b) No certificate of inspection shall be honored unless a brood nest inspection was made and a Varroa mite sample taken, no more than 60 days prior to shipment from the site the bees were immediately prior to shipment into New Jersey. Inspections shall be conducted in the manner prescribed at N.J.A.C. 2:24-4.
  - 1. If, after inspection, the average of the Varroa mite sampling technique in an apiary exceeds two mites per sample with either an ether roll, or an average of 50 mites per sticky board, all colonies must be shipped under treatment with an EPA approved miticide according to label specifications.
  - 2. The inspection date and percentage of inspection for American foulbrood, the percentage sampled for Varroa mites, and the sampling method with the results, must be shown on the inspection certificate.
- (c) Each colony must be marked by a duly appointed inspector of the state of origin. Such marks must be changed annually.
- (d) No certificate of inspection shall be honored on any colonies infected with American foulbrood or from an infected area as determined by the New Jersey Department of Agriculture. If an examination of the bees is undertaken pursuant to N.J.A.C. 2:24-2.1, the certificate of inspection will not be honored unless the findings of the examination are supplied.
- (e) No certificate shall be honored unless the sampling procedure is done in accordance to a sampling standard of the industry, or U.S. Department of Agriculture, and recognized by the New Jersey Department of Agriculture.

- (f) The certificate of inspection must be received prior to entrance into New Jersey by the:

Director, Division of Plant Industry  
New Jersey Department of Agriculture  
PO Box 330  
Trenton, New Jersey 08625-0330

Phone (609) 292-5440  
Fax (609) 292-4710

**2:24-2.3 Queen or package bees**

- (a) All apiaries shipping queen or package bees into New Jersey shall have recorded with the New Jersey Department of Agriculture, a valid certificate in accordance with N.J.A.C. 2:24-2.2.
- (b) All sellers or shippers shall provide the Department, by February 1, of the following year, with a list, including consignee's name and address, of all queen or package shipments to New Jersey or to New Jersey residents during the preceding year (i.e. January 1 through December 31).
- (c) All queens or package bees shipped to New Jersey shall be accompanied by a federally approved miticide treatment for the control of Varroa mite.

**2:24-2.4 Transporter**

No colony, nucleus of bees or used apiary equipment coming from a state or country having apiary inspection service shall be accepted by any person or common carrier for transportation to a point within this state unless accompanied by a valid certificate of inspection stating that the bees or equipment are free of the conditions listed in N.J.A.C. 2:24-2.1 and 2:24-2.2. A copy of the certificates will be carried by the transporter and shown to the grower, apiary inspector or law enforcement personnel upon request.

**2:24-2.5 Entities without apiary inspection services**

A colony, nucleus of bees or used apiary equipment coming into New Jersey from a state or country having no apiary inspection service shall be immediately reported by the consignee and by the person or carrier delivering them in this state; giving the name and address of the consignee to the Department of Agriculture, which shall cause the shipment to be inspected at such time as shall be prudent and proper. Documentation of such inspection shall be issued to the owner and consignee after examination [and approval] by the Department of Agriculture as to the freedom from the conditions listed in N.J.A.C. 2:24-2.1 and 2:24-2.2.

**SUBCHAPTER 3. REGISTRATION OF APIARIES**

**2:24-3.1 Registration requirements**

- (a) All bee yards in New Jersey where bees are over-wintered must be registered annually with the New Jersey Department of Agriculture.
- (b) The only information contained in the individual registration that shall be considered public shall be the beekeeper's name and mailing address; all other required information shall be considered confidential.
- (c) The Department of Agriculture shall supply the registrant, with any and all appropriate orders, laws and rules.
- (d) The Department shall issue to each registered beekeeper documentation which identifies them as a legally registered New Jersey beekeeper.

**2:24-3.2 (Reserved)**

**SUBCHAPTER 4. INSPECTION AND CERTIFICATION OF APIARIES**

**2:24-4.1 Inspection protocol**

- (a) Beekeepers will be notified in advance, where possible and feasible, of any potential inspection of their bees; where possible, that notification will be at least five (5) days prior to inspection.
- (b) All inspections will be conducted in accordance with the following procedures outlined in N.J.A.C. 2:24-2.2(b) with the following exceptions. The treatment procedure for Varroa in hives within New Jersey is modified as follows:
  - 1. The minimum numbers of hives, as listed below, shall be physically opened and physically opened and the brood nest inspected for American foulbrood:
    - 1 - 10 colonies in an apiary - 100% of the colonies
    - 11 - 20 colonies in an apiary - 50% of the colonies
    - 21 - 50 colonies in an apiary - 33% of the colonies
    - 51+ colonies in an apiary - 20% of the colonies
  - 2. Any apiary site where American foulbrood is found shall be inspected 100%.
  - 3. Varroa mite sampling shall be conducted according to the following minimum standard: either sample 20% of the colonies in each apiary using an ether roll technique, or 5% of the colonies in each apiary using an approved miticide and sticky board technique.
- (c) All hives sold in New Jersey must be found by the Department to be apparently free of American foulbrood. All hives sold in New Jersey must be inspected and found by the Department to average less than two Varroa mites per sample by ether roll, or be under treatment with an EPA approved miticide to label specifications. The inspection by the department shall be conducted within 10 working days of the request for inspection by the seller.
- (d) The treatment procedure for Varroa in hives within New Jersey is as follows:
  - 1 If an apiary averages two or fewer mites per sample with an ether roll, or an average of 50 mites or less per sticky board the beekeeper must

begin treatment of the infested apiary within 12 months of the inspection by the Department.

2. If an apiary averages more than two and less than twenty (20) mites per sample with an ether roll, or averages more than 50 and less than 1,000 mites per sticky board, the beekeeper shall begin treatment of the infested apiary as soon as practical but no later than October 30 following the inspection by the Department.
3. If an apiary averages 20 or more mites per sample with an ether roll, or averages 1,000 or more mites per sticky board, the beekeeper shall begin treatment of the infested apiary within 15 days of an order by the Department or before movement whichever occurs first.

(e) The treatment procedure for American foulbrood infected hives within New Jersey is as follows:

1. The Department shall categorize the infected colonies as “treatable” for control of American foulbrood (AFB) or “non- treatable.” This classification will be at the discretion of the inspector, according to (e) and 3 below, although the beekeeper is invited to be present and assist during the inspection.
2. Procedures for “treatable” colonies shall be as follows:
  - i. “Treatable” colonies are those colonies with less than ten (10) percent AFB infection and no AFB scale present.
  - ii. The beekeeper shall remove and destroy by burning all infected wooden frames within 15 days of the initial inspection. Upon request, the Department shall assist the beekeeper in obtaining the necessary burning permits. Non-wooden infected frames shall be disposed in a landfill or rendered disease-free by any other method approved by the Department.
  - iii. The beekeeper shall begin treatment of the remainder of the infected colony within 15 days of inspection by the Department with Terramycin or other material/method approved by the Department.
  - iv. The Department shall reinspect “treatable” colonies according to the following schedule.
    - (1) Detection occurred March 15 - September 1:  
Reinspection shall be made as soon as possible but no sooner than 60 days after initial inspection.
    - (2) Detection occurred September 2 - March 14:  
Reinspection shall be made as soon as possible but no sooner than April 30 following initial inspection.
2. Procedures for “non-treatable” colonies shall be as follows:
  - i. “Non-treatable” colonies are those colonies which have 10 percent or more AFB infection or have observable AFB scale.
  - ii. The beekeeper shall remove and destroy by burning all wooden frames within 15 days of the initial inspection. Upon request, the Department shall assist the beekeeper in obtaining the necessary burning permits.

- iii. All other hive parts must be disposed in a landfill, destroyed by burning, treated by scorching, or rendered disease-free by any other method approved by the Department.
  - iv. The Department may reinspect the infected equipment as soon as possible but no sooner than 30 days after initial inspection.
- (f) The treatment procedure for hives infested with small hive beetle (SHB) found within New Jersey will be as follows:
  - 1. If a colony is found to contain one or more small hive beetle (SHB) larvae the colony shall be sent to a quarantine yard selected by the beekeeper and approved by Department. The beekeeper shall destroy infested frames by either burning, melting, freezing or fumigating. The beekeeper shall treat the soil around the infested colony or colonies with an approved federal EPA and NJDA insecticide. The colonies shall not be released from the quarantined area until the Department inspects them and declares them free of SHB, in writing.
  - 2. Beekeepers who fail to follow the control procedures pursuant to this subchapter shall be required to destroy SHB infested colonies by burning. Any violations of this subchapter shall be subject to the penalty and enforcement provisions of N.J.S.A. 4:6 - 1 et seq.
- (g) All colonies requiring treatment for contagious/infectious diseases or other pests are subject to quarantine by the Department. If time constraints prohibit treatment before movement, the Department, upon request from the beekeeper, may approve movement to a holding yard until treatment is commenced.
- (h) The beekeeper may be subject to penalty actions as per N.J.A.C. 4:6- 12 thru 14 for failure to follow treatment procedures detailed above.

#### **2:24-4.2 Certification protocol**

All New Jersey queen breeders, as well as sellers of splits, nucleus hives, or divides must average less than two mites per sample to be certified. All sales of queens, splits, nucleus hives, or divides to New Jersey apiarists will include an EPA approved miticide administered according to label specifications.

### **SUBCHAPTER 5. TRANSPORT OF BEES**

#### **2:24-5.1 Transport requirements**

- (a) No bees shall be transported in or through New Jersey unless:
  - 1. All hives are adequately secured to prevent excess movement of the hives during transport.
  - 2. All hive openings are either blocked or covered with screening material of at least 8 squares per inch mesh, or the colonies are covered with a weather-proof netting of at least 8 squares per inch mesh to prevent the escape of any bees from the vehicle; or
  - 3. The bees are enclosed in a refrigerated containment vehicle that maintains the bees at a constant temperature below 45 degrees Fahrenheit.

- (b) Vehicles transporting bees shall not stop, except for refueling or emergencies due to accident or equipment failure, unless certified for entrance into New Jersey, under N.J.A.C. 2:24-2.2 or 2:24-2.5.
- (c) The vehicle operator or other responsible person shall immediately report to the New Jersey Department of Agriculture, any release of bees, whether accidental or intentional which result during transport.

## **SUBCHAPTER 6. VOLUNTARY INSPECTOR PROGRAM, NONCOMMERCIAL APIARIES AND BEES**

### **2:24-6.1 General organization and purpose of the Voluntary Inspector Program**

- (a) The Voluntary Inspector Program (VIP) is a cooperative and voluntary program involving the Department of Agriculture, interested beekeepers, educators, and interested beekeeping organizations. The purpose of this program is to train volunteers in the fundamentals of apiary inspection so that they may assist the Department's Apiary Inspection Program with the inspection and monitoring of noncommercial intrastate apiaries in order to prevent the introduction and spread of bee disease and other pests.
- (b) The organization and roles of the VIP components are as follows:
  1. The Department of Agriculture shall oversee the program and will provide training to prospective VIP designees, forms and educational materials;
  2. The VIP designees are volunteers trained by the Department and designated as VIP apiary inspectors;
  3. Non-commercial New Jersey apiary owners may request a VIP inspection and advisory report of their apiary. The request shall be made by contacting the Department which will arrange for a mutually agreed upon VIP to perform an inspection. The person requesting the inspection shall be present at the time of the inspection.

### **2:24-6.2. Provisions and standards for VIP designee activities**

- (a) VIP designees may inspect and make advisory reports only for noncommercial intrastate apiaries. Commercial and interstate bee inspections requiring certification shall be performed only by Department Apiary Inspectors.
- (b) VIP designees do not have law enforcement powers pursuant to N.J.S.A. 4:6-1 et seq., or "right of entry" powers pursuant to N.J.S.A. 4:6-18.
- (c) VIP inspections shall be performed only at the request of the owner of an apiary.
- (d) The owner of the apiary must be present at the time of a VIP inspection.
- (e) An advisory report shall be provided by the VIP to beekeepers and to the Department.
- (f) VIP designees may not:
  1. Accept money or compensation from a beekeeper for an inspection or advisory report;
  2. Make an advisory report on bees owned by the VIP designee; and



3. Represent themselves as a State official, spokesperson for the State or Department or as a person with regulatory authority.
- (g) VIP designees shall:
1. Maintain an up-to-date activity log of all VIP inspections and retain a record of each inspection for not less than three years from the date of the inspection;
  2. Comply with VIP directives as may be issued by the department; and
  3. Conduct themselves in a professional manner.

#### **2:24-6.3 Qualifications and training**

- (a) Volunteers shall have at least five years experience in keeping bees, or have other beekeeping experience and education acceptable to the Department.
- (b) Standards and requirements for initial and recurrent VIP training shall be established by the Department. Training sessions for VIP designees and designee candidates shall be offered by the Department.
- (c) Classroom training sessions may be supplemented by additional practical field training. At the discretion of the Department and the apiary owner, VIP designees or designee candidates may accompany, for practical field training purposes, a Department Apiary Inspector during actual apiary inspections.

#### **2:24-6.4 Expiration of designation**

VIP designee status shall be valid for no more than two years. VIP designees shall take refresher and update training on no less than a biennial (every two years) basis.

#### **2:24-6.5 Cancellation orders by the Director**

- (a) The Director of the Division of Plant Industry may rescind the VIP designation of any person.
- (b) Notification of rescission of any VIP designee shall be done in writing and may be delivered in person or by mail. The notice shall state the Director's reason(s) for the order and the effective date of the action.

#### **2:24-6.6 Liability**

- (a) The VIP is a wholly voluntary program. All persons participating in this program, including all designees, and persons requesting VIP inspections do so of their own choosing and liability.
- (b) Any persons, including beekeepers and VIP inspectors participating in the VIP shall agree to hold Department of Agriculture harmless from any and all claims of loss or damages resulting from participating in the program.